IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WA.No. 1597 of 2007()
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AGAINST THE JUDGEMENT IN WPC.17042/2007 Dated 14/06/2007
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APPELLANT: APPELLANTS IN WPC:
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1. SOLOMON NETTO, AGED 49 YEARS,
S/O. J.C. NETTO, SCHEDULED CASTE DEVELOPMENT
OFFICER GRADE II, MUTHUKULAM BLOCK PANCHAYATH,
ALAPPUZHA.

2. T.V. BABU, AGED 42 YEARS,
S/O. T.K.VASU, SCHEDULED CASTE DEVELOPMENT OFFICER
GRADE II, KALAMASSERY MUNICIPALITY, ERNAKULAM.

BY ADV. SRI.P.V.MOHANAN

RESPONDENTS: RESPONDENT IN WPC:
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1. THE DIRECTOR OF SCHEDULED CASTE
DEVELOPMENT DEPARTMENT, THIRUVANANTHAPURAM.

2. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
SCHEDULED CASTE DEVELOPMENT DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. C.T. RAVIKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 04/07/2007, ALONG WITH WA NO. 1606 OF 2007, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ**

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W.As.1597/2007 & 1606/2007

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Dated this the 4th day of July, 2007

**JUDGMENT**

K.S.Radhakrishnan, J.

It is unnecessary to examine various contentions raised by the learned counsel as well as by the Government Pleader for the disposal of these cases. Counsel brought to our notice the interim order passed by the learned Single Judge in W.P.(C).20762/2005 dated 8.3.2006 directing to fill up all the vacancies arising in future in the cadre of Scheduled Caste Development Officer Grade-II only by direct recruitment from Ext.P1 list until further orders. Counsel appearing for the appellants submitted that the interim order was modified by another order by this Court dated 14.6.2007. Admittedly that 20 vacancies were filled up by promotion. Counsel for the appellants submits that the same itself is illegal considering the fact that the special Rules provide a ratio of 1.1 between direct recruitment and promotion.

2. Considering the facts and circumstances of these cases, we are inclined to give a direction to the

department to see that the ratio is correctly maintained while effecting direct recruitment as well as by appointment by transfer. Further we make it clear that if there are sufficient vacancies available to accommodate the appellants, they may be accommodated.

With this observation, appeal is disposed of.

**K.S.RADHAKRISHNAN**
**Judge**

**ANTONY DOMINIC**
**Judge**

mrcs